

REMARKS

A. THE REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 3, 7-10, 20, 22, 26, 27, 37 and 50-52 were rejected under 35 U.S.C. §103(a) based on U.S. Patent No. 6,141,565 to Feuerstein et al ("Feuerstein") and newly cited U.S. Patent No. 6,954,643 to Petrus et al ("Petrus"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Claims 1, 20 and 37 are independent. It is to these claims that Applicants direct their comments, it being understood that the following comments apply to the remaining dependent claims as well.

Claims 1, 20 and 37 include the feature of setting a number of base stations, from a list of potential hand-off base stations, that can be considered hand-off base stations to a number that is below an initial number to prevent undesired fluctuations in call blocking and call dropping rates depending on the measured traffic flow criteria and traffic-based hysteresis parameters. The Examiner acknowledges that Feuerstein does not disclose this feature (see page 3). To make up for this deficiency the Examiner relies upon newly cited Petrus.

However, Petrus does not appear to disclose setting a number of base stations, from a list of potential hand-off base stations, that can be considered hand-off base stations to a number that is below an initial number to prevent undesired fluctuations in call blocking and call dropping rates depending on the measured traffic flow criteria and traffic-based hysteresis

parameters. Instead, Petrus appears to create a list of ordered base stations without any regards to whether the number of base stations in the list is below an initial number of base stations. Further, though Petrus discusses hysteresis, it is signal-strength based hysteresis, not traffic-based hysteresis. Still further, one of ordinary skill in the art would not equate signal strength hysteresis, with traffic-based hysteresis.

Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 1, 3, 7-10, 20, 22, 26, 27 and 37 (claims 50-52 have been cancelled).

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 50-3777, including, in particular, extension of time fees.

Respectfully submitted,

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